

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LINDA DANIELS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:20-CV-1773 PLC
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Linda Daniels’ application for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [ECF No. 37] Plaintiff requests an award of \$3,953.99, representing 17.4 hours of attorney time at a rate of \$208.85 per hour and 3.2 hours of legal assistant time at a rate of \$100.00 per hour. Plaintiff attaches an “EAJA Assignment,” in which she assigned any fee paid under the EAJA to her attorney, Frank T. Koch. [ECF No. 37-3]

Defendant filed a response to Plaintiff’s application for attorney fees, in which she states: “Defendant has no objection to Plaintiff’s request for attorney fees under the EAJA in the amount of **\$3,953.99.**” [ECF No. 38 (emphasis in original)] Defendant requests that the Court “enter an order specifically awarding attorney fees of **\$3,953.99** to be paid by the Social Security Administration.” [*Id.* (emphasis in original)] She notes, however, that any award of attorney fees is subject to offset to satisfy any preexisting debt Plaintiff owes to the United States. See Astrue v. Ratliff, 560 U.S. 586 (2010).

After careful consideration,

IT IS HEREBY ORDERED that Plaintiff's motion for attorney fees [ECF No. 37] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff is awarded EAJA attorney fees in the amount of \$3,953.99, subject to offset for any preexisting debt that Plaintiff owes to the United States. After determining whether Plaintiff owes any debt to the United States that is subject to offset, Defendant is directed to pay the EAJA fees directly to Plaintiff's attorney.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of March, 2022